

2009 AUG 31 P 2:38

ORDINANCE NO. 2009-18

AN ORDINANCE TO AMEND THE SUBDIVISION ORDINANCE OF TIPPECANOE COUNTY, INDIANA

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA, THAT THE UNIFIED SUBDIVISION ORDINANCE OF TIPPECANOE COUNTY, INDIANA, BEING A SEPARATE ORDINANCE AND PART OF THE MUNICIPAL CODE OF LAFAYETTE, INDIANA, IS HEREBY AMENDED AS FOLLOW:

Section 1: Change USO Section 2-2 Words and Terms Defined, to read as follows:

RURAL ESTATE SUBDIVISION. A unified rural residential development zoned RE, rural estate zone, or RE and FP. (The FP-zoned portion may include tilled land, and may make up portions of residential lots.) A rural estate subdivision shall not be located within an IURC approved service area (CTA) of a sanitary sewer provider or within the service area of a municipally owned sewer system unless it is farther than ½ mile, measured radially, from the nearest sanitary sewer line or lift station having unused capacity for twelve (12) lots. Proposed RE-zoned sites, or FP-zoned portions of rural estate subdivisions may be located closer than ½ mile, measured radially, from the nearest sanitary sewer line or lift station having unused capacity if outside the IURC approved service area (CTA) of a sanitary sewer provider or outside the service area of a municipally owned sewer system. ~~shall be located more than ½ mile, measured radially, from the nearest sanitary sewer having unused capacity, or closer if sanitary sewer is impeded physically by a stream or ravine or similar barrier.~~ More than 50% of its acreage is either:

- (1) wooded and untilled,
 - (2) non-tillable, or
 - (3) not mechanically harvested for at least 3 of the 5 years between 1997 and 2001,
- or a combination of any 2 or 3 of the 3 above conditions equaling more than 50%. A rural estate subdivision has a maximum density of no more than 1 dwelling unit per 2 acres, and a minimum residential lot area of 1 acre, exclusive of any outlot containing drainage easements and/or rural estate roads, and exclusive of any public street right-of-way. (Amend 27)

RURAL ESTATE ZONE. A rural zone containing part or all of a rural estate subdivision, ~~located more than ½ mile, measured radially, from the nearest sanitary sewer having unused capacity, or closer if sanitary sewer is impeded physically by a stream or ravine or similar barrier.~~ Proposed RE-zoned sites, or FP-zoned portions of rural estate subdivisions shall not be located within an IURC approved service area (CTA) of a sanitary sewer provider or within the service area of a municipally owned sewer system unless it is farther than ½ mile, measured radially, from the nearest sanitary sewer line or lift station having unused capacity for twelve (12) lots. Proposed RE-zoned sites, or FP-zoned portions of rural estate subdivisions may be located closer than ½ mile, measured radially, from the nearest sanitary sewer line or lift station having unused capacity if outside the IURC approved service area (CTA) of a sanitary sewer provider or outside the service area of a municipally owned sewer system. More than 50% of the acreage of the rural estate subdivision of which it is a part is either:

- (1) wooded and untilled,
- (2) non-tillable, or
- (3) not mechanically harvested for at least 3 of the 5 years between 1997 and 2001,

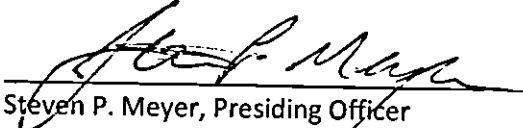
or a combination of any 2 or 3 of the 3 above conditions equaling more than 50%. A rural estate subdivision request includes no more than 12 residential lots, and shall include no FP-zoned lands; FP-zoned land cannot be rezoned. (Amend 27)

Section 2: Change USO Section 5.13 (2) (a) Rural Estate Subdivision, to read as follows:

- (a) Proposed RE-zoned sites, or FP-zoned portions of rural estate subdivisions shall not be located within an IURC approved service area (CTA Proposed RE-zoned) of a sanitary sewer provider or within the service area of a municipally owned sewer system unless it is farther than ½ mile, measured radially, from the nearest sanitary sewer line or lift station having unused capacity for twelve (12) lots. Proposed RE-zoned sites, or FP-zoned portions of rural estate subdivisions may be located closer than ½ mile, measured radially, from the nearest sanitary sewer line or lift station having unused capacity if outside the IURC approved service area (CTA) of a sanitary sewer provider or outside the service area of a municipally owned sewer system. ~~be located no closer than ½ mile, measured radially, from the nearest sanitary sewer having unused capacity, or closer if impeded physically, by a stream or ravine or similar barrier.~~

This Ordinance shall be in full force and effect from and after its passage.

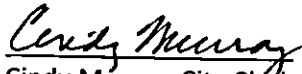
PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA THIS 14 DAY OF Sept 2009.


Steven P. Meyer, Presiding Officer

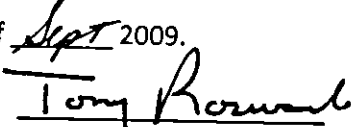
ATTEST:


Cindy Murray, City Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, on the 14 day of Sept 2009


Cindy Murray, City Clerk

This Ordinance approved and signed by me on the 14 day of Sept 2009.


Tony Roswarski, Mayor

ATTEST;


Cindy Murray, City Clerk



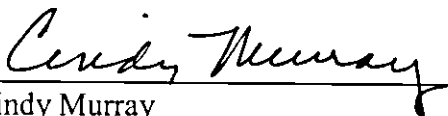
CINDY MURRAY
CITY CLERK

Certificate

STATE OF INDIANA)
)
COUNTY OF TIPPECANOE) SS:
)
CITY OF LAFAYETTE)

This is to certify that the Common Council of the City of Lafayette did pass Ordinance 2009-18 at their regular meeting on the 14th day of September 2009. The vote was 8 ayes and 0 nays.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LAFAYETTE, INDIANA
ON THIS 14th DAY OF September 2009.


Cindy Murray
City Clerk, City of Lafayette